



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

the city engineer and claim made of the city engineer before first payment after such work is done, and the bedrock was much deeper, and before doing the extra work the contractor wrote the engineer, asking whether he should excavate to bedrock, and was ordered by letter to do so, and immediately replied, asking for estimate of the value of such work, which the engineer refused to give, there was sufficient compliance with the contract to entitle the contractor to recover the value of the extra work.

[Ed. Note.—For other cases, see *Municipal Corporations*, Cent. Dig. §§ 905, 910; Dec. Dig. § 374 (4).* 10 Va.-W. Va. Enc. Dig. 208.]

3. Appeal and Error (§ 866 (2)*)—Scope of Review.—Where demurrer is interposed to plaintiff's evidence, and he recovers, the court on appeal is not concerned with preponderance of evidence.

[Ed. Note.—For other cases, see *Appeal and Error*, Dec. Dig. § 866 (2).* 1 Va.-W. Va. Enc. Dig. 576.]

Error to Hustings Court of Richmond.

Action by I. J. Smith & Co., Incorporated, against the City of Richmond. Judgment for plaintiff, and defendant brings writ of error. Judgment affirmed.

H. R. Pollard, of Richmond, for plaintiff in error.

O'Flaherty, Fulton & Byrd and *Gunn & Mathews*, all of Richmond, for defendant in error.

CITY OF PORTSMOUTH *v.* JOBSON.

June 8, 1916.

[89 S. E. 127.]

Appeal and Error (§ 999 (1)*)—Review—Verdict—Question of Fact.—The verdict of a jury is conclusive as to questions of fact.

[Ed. Note.—For other cases, see *Appeal and Error*, Cent. Dig. §§ 3912-3915, 3917-3921; Dec. Dig. § 999 (1).* 1 Va.-W. Va. Enc. Dig. 605.]

Error to Hustings Court of Portsmouth.

Suit by Jobson against the City of Portsmouth. To review a judgment for plaintiff, defendant brings error. Affirmed.

John W. Happer, of Portsmouth, for plaintiff in error.

Willcox, Cooke & Willcox, of Norfolk, for defendant in error.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.